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DRAFT BUDGET PROPOSALS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA FOR 1999

Prepared by the Tribunal

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I. INTRODUCTION

1. The International Tribunal for the Law of the Sea was established by the 1982 United Nations Convention on the Law of the Sea. The 21 judges of the Tribunal were elected by the Meeting of States Parties on 1 August 1996. The first session of the Tribunal was held from 1 to 31 October 1996 and was devoted to organizational matters. The ceremonial inauguration of the Tribunal took place on 18 October 1996. At the first session the Tribunal established the Chamber of Summary Procedure.

2. At its second organizational session (3-28 February 1997), the Tribunal established the Seabed Disputes Chamber, a Chamber for Fisheries Disputes and a Chamber for Marine Environment Disputes. The work of the second, third (2-29 April 1997) and fourth (6-31 October 1997) sessions was primarily devoted to the consideration of the draft Rules of the Tribunal, together with the internal judicial practice and guidelines to assist parties appearing before the Tribunal. The Tribunal also established four committees to advise on its internal organization: the Budget and Finance Committee, the Committee on Rules and Judicial Practice, the Committee on Staff and Administration and the Committee on Library and Publications.

3. At its fourth session the Tribunal completed work on the organization of its judicial procedures with the adoption of the Rules of the Tribunal, Guidelines concerning the Preparation and Presentation of Cases before the Tribunal and the Resolution on the Internal Judicial Practice of the Tribunal.

4. On 13 November 1997, the first case (the M/V Saiga case) was submitted to the Tribunal. This was an application for the prompt release of the M/V Saiga and its crew under article 292 of the Convention. This case had to be dealt with by the expeditious procedure provided for in the Convention and the Rules of the Tribunal. In accordance with the Rules, the Tribunal was convened on 20 November 1997. It deliberated, held the oral proceedings and delivered its judgement on 4 December 1997, 21 days after the receipt of the application.

5. The Tribunal now has before it a second case (the M/V Saiga (No. 2) case), which is deemed to have been submitted on 22 December 1997. The Tribunal has already dealt with an incidental proceeding in the case, in the form of a request for provisional measures under article 290 of the Convention, which was submitted on 13 January 1998. The Tribunal was convened on 16 February 1998 and the Order for provisional measures was delivered on 11 March 1998.

6. The resource requirements of the Tribunal in 1999 will be determined largely by the number and the nature of the cases submitted to it. On the basis of the experience gained in its general work and especially in dealing with the two proceedings so far, the Tribunal is able more accurately to assess the budgetary requirements of its work during 1999. The Tribunal already has had experience and dealt with the functions involved with the receipt of applications, the filing and processing of memorials, counter-memorials, responses and replies, deliberations and oral hearings, and drafting and delivering of judgements and orders. It is now taking up a full case submitted to it on the merits.

7. In considering the work programme and the budget resources requested, account needs to be taken of the fact that the Tribunal is responsible for its own administrative and financial management, with no support from a parent organization. In the first year of its functional phase, the Tribunal operated with the limited staff and resources provided for an organizational phase. The actual developments in the work, including the proceedings in the cases already dealt with during this period, have clearly shown that neither the staff nor the financial resources provided were adequate.

8. The budget proposals for 1999 are presented in such a way as to distinguish between, on the one hand, the resources needed for the Tribunal to undertake its non-judicial functions and, on the other hand, the resources required to deal with the M/V Saiga (No. 2) case and other applications which may be submitted during the year. For 1999 the Tribunal considers it prudent to make provision for at least two applications involving expeditious proceedings. The Tribunal proposes that any of the funds appropriated for cases in 1999 which are not utilized for that purpose in the year should be credited to the proposed Working Capital Fund (see paras. 9 and 95-97).

9. The Tribunal is convinced that, to ensure that its operations are efficient and cost-effective, as directed by the Meeting of States Parties, it will be necessary for it to have a Working Capital Fund at the appropriate level. Such a fund would enable it to deal with cases whenever they are submitted and ensure that the financial operations are transparent and in accordance with the normal requirements of the applicable regulations and practices. In particular, it would avoid situations in which it is faced with the alternatives of either failing to deal with a case in accordance with the requirements of the Statute and the Rules of the Tribunal or being obliged to discharge its obligations by exceeding the resources available to it.

II. WORK PROGRAMME AND BUDGET OF THE TRIBUNAL (JANUARY-DECEMBER 1999)

Part One

Work to be undertaken by the Tribunal during 1999

10. As reported in paragraphs 11 to 12 below, the Tribunal was faced with difficult choices at the end of 1997. This was first of all the result of cash-flow problems caused by the failure of many States Parties to pay their assessed contributions. As can be seen from annex I to the present document, the total of unpaid contributions for 1996-1997 as at 31 December 1997 amounted to $888,590 out of a total budget of $6,170,900 (as approved in document SPLOS/L.1).

11. The second reason for the financial difficulty in 1997 was that the first case was submitted to the Tribunal in November 1997, just two weeks after the end of the Tribunal's session, when all the judges had returned to their respective locations. According to the Rules of the Tribunal, which had just been adopted, the case was required to be dealt with by the expeditious proceedings provided for in the Rules of the Tribunal. Accordingly, the whole

proceedings had to be concluded by the end of the year. This resulted in expenditure over and above the appropriations available in the budget approved for 1996-1997.

12. It will be recalled that a contingency provision for dealing with cases, in the sum of $409,100, was included in the budget appropriations for 1996-1997. With the approval of the Seventh Meeting of States Parties in May 1997, part of this provision was allocated to meet the cost of a meeting of the Tribunal in October 1997 in order to complete work on the Rules of the Tribunal and other related matters. The Meeting of States Parties decided that the unspent balance of the contingency amount, anticipated to be $119,100, should be allocated to the budget for 1998 to be used to deal with a case that might be submitted during that year. However, as indicated above, the proceedings in the case submitted in November 1997 had to be completed before the end of 1997. The Tribunal was obliged to deal with the case according to a strict schedule set out in the Convention and the Rules. This resulted in additional and unforeseen expenses, which in turn led to the exhaustion of the whole of the amount of $119,100 which had been expected to be carried forward from 1997 to 1998. In addition, further obligations amounting to $213,704 were incurred. Accordingly, approval of a revised appropriation for 1997 in the sum of $332,804 is requested of the Meeting of States Parties.

13. The programme of work for the Tribunal for 1999 envisages meetings of the Tribunal at the seat of the Tribunal for 20 weeks of meetings involving all the judges and 4 weeks of meetings of the Drafting Committee to prepare the judgement in the M/V Saiga (No. 2) case. The cost of a four-week meeting of the Drafting Committee of five judges is estimated at an amount approximately equivalent to a one-week meeting of the full bench of the Tribunal.

14. The frequency and duration of meetings during the year are to a great extent dictated by the number and nature of the cases submitted to the Tribunal and the requirements of the Statute, the Rules of the Tribunal and the Resolution on the Internal Judicial Practice, as they apply to those cases.

15. In 1999, the Tribunal will devote four weeks of meetings to non-judicial work, two weeks each in the spring and autumn. In spring, the Tribunal will consider, inter alia, the budget proposals for the year 2000 as well as other matters on which proposals or recommendations are to be submitted to the Meeting of the States Parties in 1999. In the autumn, the Tribunal will meet to elect its President and Vice-President and to establish the Seabed Disputes Chamber, the Chamber of Summary Procedure and other chambers, as appropriate. Consideration will also be given to the annual report, the Yearbook and the organization and arrangements for the judicial work in 2000, including the timetables for the proceedings in cases. It will also have to plan and organize its move to the new premises.

16. For dealing with the M/V Saiga (No. 2) case the Tribunal, on the basis of the experience gained so far, considers that a minimum of nine weeks of meetings will be needed by the Tribunal as a whole and four weeks of meetings by the Drafting Committee (computed as one week of the full Tribunal).

17. According to the timetable agreed between the parties in case No. 2 which has been confirmed by the Tribunal in its Order of 20 February 1998, the final written pleadings of the parties will be submitted by 11 December 1998. After the closure of the written proceedings the Tribunal is required, according to its Rules and the Resolution on the Internal Judicial Practice, to meet for deliberations or hearings in 1999 as follows:

(a) The Tribunal will meet for initial deliberations (article 68 of the Rules). The initial deliberations are to be held after the closure of the written proceedings and before the date fixed for the oral proceedings. These deliberations are designed to enable judges to exchange views concerning the written pleadings and the conduct of the case and thus prepare themselves for the hearings. In particular, the judges have to consider and approve any indications to the parties as to the points they should address or to any further evidence to be produced;

(b) The length of the hearings will be determined by the complexity of the case, taking into consideration that each party should have enough time to present its arguments. The hearing will be followed by the first deliberation to reach the decision of the Tribunal and to establish the Drafting Committee in accordance with article 6 of the Resolution on the Internal Judicial Practice;

(c) The Drafting Committee will prepare the first draft of the judgement following which the Tribunal will meet. Based upon the experience gained so far, the Tribunal will need considerable time at this meeting for its deliberations and the finalization of the judgement.

18. The Tribunal is operating on the basis that the session of the Tribunal to be held in the spring of 1999 to deal with non-judicial business will be held in conjunction with the meetings on the M/V Saiga (No. 2) case during February and March. This will reduce the costs of travel of judges (see para. 30).

19. Additionally, the Tribunal considers it necessary to make provision for two possible cases requiring expeditious proceedings. In the light of the Rules of the Tribunal on such cases and the experience gained so far in the two cases already dealt with, these cases will require no less than seven weeks between them. As indicated in paragraph 8, the resources appropriated for these cases, if not required in 1999, will be credited to the Working Capital Fund proposed to be established in 1999.

20. This approach is essential to enable the Tribunal to deal with cases as and when they are submitted to it. The alternative would be to request the convening of a Special Meeting of States Parties when developments in the caseload make it necessary to have additional resources. The Meeting of States Parties has noted the possibility of such meetings and agreed on the mechanism for that purpose. However, this procedure might not be appropriate or indeed feasible. Apart from the substantial cost implications for the States Parties, it is unlikely that any additional appropriations agreed at such a meeting would be available for the Tribunal at the time needed, since some States might not be able to make the required contributions until the assessments have been approved and provided for in their national budgets.

Part Two

Estimates of recurrent expenditure

A. Members of the Tribunal

1. Remuneration and allowances

21. Pursuant to the decision of the Meeting of States Parties, the maximum annual remuneration of a judge is fixed at $145,000, based on the agreed comparator.[1]

22. The Meeting of States Parties also decided that, with the exception of the President, the annual remuneration of judges will consist of three elements:

(a) An annual allowance payable monthly. This is one third of the overall annual remuneration of $145,000 i.e. $48,333.33 for the year;

(b) Special allowance for each day that a judge is engaged on the business of the Tribunal;

(c) Subsistence allowance for each day that a judge attends meetings of the Tribunal at the seat of the Tribunal.

Judges may also be paid special allowance for preparatory work undertaken by them before meetings of the Tribunal, up to a maximum of four weeks for each meeting of four weeks' duration. Subsistence allowance is also payable to judges when they undertake business in connection with the Tribunal away from the normal place of residence up to a minimum of two weeks for each period of four weeks of preparatory work.

23. The budget for 1998 provided for special allowance for preparatory work of four weeks per meeting for 20 judges, and subsistence allowance for preparatory work for two weeks per meeting for up to 10 judges, each to be paid on the authorization of the President. The 1998 budget provision was calculated on the basis of a total of eight weeks of meetings. On this basis, and taking into account the projected meeting weeks in 1999, it is proposed that provision be made for special allowance for preparatory work for not more than 10 weeks each for 20 judges, and subsistence allowance for preparatory work for not more than five weeks each for up to 10 judges. As in 1998, payment will be subject to authorization by the President.

24. The total of these allowances, together with the annual allowance, should not exceed the overall remuneration package of $145,000 for each judge for the year, as fixed by the Meeting of States Parties on the basis on the agreed comparator.

25. The President is required to reside at the seat of the Tribunal and is entitled to receive an annual remuneration of $145,000. In addition, the President is paid a special allowance of $15,000 per annum. The President is not entitled to special allowance or subsistence allowance for attendance at

meetings. Provision is also made for the common costs in relation to the President.

26. Pursuant to article 18, paragraph 3, of the Statute, the Vice-President shall receive a special allowance for each day on which he acts as President. The rate for this allowance is $94 per day.

2. Computation of budgetary estimates

27. The budgetary estimates for the remuneration and allowances of judges for 1999 have been computed on the basis that four weeks of meetings will be devoted to work other than proceedings on cases, and 17 weeks will be used to deal with cases (see the calculation in para. 13). As indicated above (para. 8), it is proposed that the appropriations for cases which are not utilized for that purpose in 1999 should be credited to the Working Capital Fund.

3. Judges' Pension Scheme

28. Provision is made to cover the pension, disability and related benefits of retiring judges or surviving spouses. Article 18, paragraph 7, of the Statute provides that "regulations adopted at meetings of the States Parties shall determine the conditions under which retirement pensions may be given to members of the Tribunal and to the Registrar". The Tribunal is submitting recommendations on the matter to the Meeting of States Parties. These take into account the arrangements currently applicable to the judges of the International Court of Justice. The provision proposed for the pension scheme of the judges represents the amount that will be required to meet obligations in respect of the seven judges whose terms expire in 1999. Any appropriations not utilized for this purpose in 1999 will be credited to the Pension Fund. This is contingent on the approval of the proposed pension scheme by the Meeting of the States Parties.

4. Travel of judges to sessions

29. The provision proposed to cover the travel costs of judges to attend meetings of the Tribunal in 1999 is $240,000. Of this, $120,000 is for travel to meetings not necessarily related to proceedings in cases. The same amount ($120,000) is proposed for travel to meetings to deal with cases. Again it is proposed that the appropriations for travel in connection with cases, if not utilized, should be credited to the Working Capital Fund.

30. The estimates for the travel of judges have been calculated on the basis that judges will travel four times to the seat of the Tribunal. This is on the assumption that it will be possible to schedule meetings in such a way as to enable the Tribunal to undertake some of its non-judicial tasks at meetings convened to deal with cases.

5. Remuneration and other costs in respect of judges ad hoc and experts

31. Judges ad hoc and experts appointed under article 289 of the Convention may be needed if a case or dispute being dealt with by the Tribunal during 1999 requires their appointment. For that reason the estimated costs for judges ad hoc and experts in the amount of $94,990 have been included in the draft budget. It is proposed that the appropriation not utilized shall be credited to the Working Capital Fund.

6. Total budgetary provision for judges

32. The total provision for the remuneration and allowances is $2,596,000.

B. Staff of the registry

1. Established posts[2]

33. The Registry of the Tribunal is the administrative organ of the Tribunal. It consists of the Registrar and a Deputy Registrar and other staff appointed by the Tribunal or by the Registrar with the approval of the President. The Registry provides legal and other technical support for the Tribunal in all aspects of its work. It is also responsible for the management of the Tribunal's finances, accounts, archives and document and library services.

34. In reviewing the administrative arrangements and structure of the Registry, the Third Meeting of States Parties considered that, after the initial period from 1 August 1996 to 31 December 1997, the levels and functions of the posts of the Registry during the functional phase should follow closely the staff structure of the International Court of Justice.

35. The Registry provides all the needed support and all assistance required by the Tribunal for dealing with cases submitted to it.

36. An important function of the Registry is the computation and collection of the contributions to be made by States Parties and other entities to the expenses of the Tribunal, pursuant to article 19 of the Statute of the Tribunal and the relevant decisions of the Meetings of States Parties. In addition, the Registry maintains the accounts and prepares reports thereon to the Tribunal, the external auditors and the Meetings of States Parties.

37. The Registry also maintains relations with the United Nations and other international organizations and deals with agencies of government in the host country as also with States Parties.

38. The budget for 1999 provides for 14 posts in the Professional and higher categories and 22 posts in the General Service category. The corresponding figures in the 1998 budget are 11 for the Professional and higher categories and 16 for the General Service category.

2. Post requirements

(a) Criteria

39. After a critical review of its staff requirements based on the principle of cost-effectiveness, the Tribunal has concluded that an increase in the staff of the Registry is necessary in order to secure the effective discharge of its mandate. In the light of experience since August 1996 and taking into account the fact that it is now necessary to commence the establishment of the institutional framework for a permanent judicial institution, the Tribunal is of the view that the additional posts proposed are the minimum essential.

40. The workload that can now be anticipated for the Tribunal can only be dealt with if it has appropriate permanent staff. Although the Tribunal will, as it has done in the past, make use of temporary staff whenever possible, there are limits to this approach. In the first place it is difficult to find in Hamburg a pool of appropriately qualified persons to undertake ad hoc and for the short term the functions needed at the Professional level. Moreover, it is not realistic to expect that many suitably qualified persons in New York or Geneva will agree to accept appointment in Hamburg on a temporary basis. The experience during the organizational phase has shown that the need for Professional legal and administrative support is much greater than was provided for in the budget for 1998.

41. The same is true, on the whole, for General Service staff.

42. For these reasons the Tribunal proposes the following additional staff which it considers to be essential for it to fulfil its functions effectively:

(b) Legal

43. Experience so far has proved that the legal staff of the Registry are very much overburdened during periods when the Tribunal is meeting, as they are also required to see to the ongoing legal work of the Tribunal, which is often urgent.

44. The legal work comprises preparation and support for the three different aspects of the work of the Tribunal, as well as the dissemination of information as follows:

(i) Work relating to cases

45. In the period leading up to a hearing, the legal staff conduct research and prepare background briefing papers and pertinent information on relevant legal issues. They also service the Tribunal during its pre-hearing meetings. When the Tribunal sits, the legal staff serve as secretaries to the Tribunal and oversee the receipt of documentation submitted by the parties and ensure that it conforms to the Rules of the Tribunal.

46. The legal staff also provide support to the Tribunal in the drafting of formal parts of the judgements, finalize the verbatim transcripts of the proceedings and oversee the archiving.

(ii) Work in connection with non-judicial matters

47. The legal staff provide services to the meetings of the Tribunal and its committees by, inter alia, preparing background materials and working papers and maintaining records of the meetings. They analyse and research legal questions arising during the course of the meetings.

(iii) Work between meetings of the Tribunal

48. Owing to the increased workload while the Tribunal is in session, much of the general legal work needs to be dealt with during the intersessional periods. This work includes review of the service contracts and legal issues relating to the Tribunal's establishment and activities in the host country.

49. Developments in international law, in particular innovations in dispute settlement procedures, require constant review by the Tribunal. The legal staff support the Tribunal in this respect.

50. The legal staff provide the reporting and publishing functions, particularly the preparation and drafting of annual reports and the Yearbook of the Tribunal. Contributions to public research and the fulfilment of requests by the General Assembly or the United Nations on matters such as the United Nations Decade of International Law are also carried out by the legal staff of the Tribunal.

(iv) Dissemination of information

51. In addition, the legal staff are responsible for preparing press releases and ensuring that information on all aspects of the work of the Tribunal is made accessible to States Parties, the international legal community, the academic community and the public. Reporting and publication of the record of cases is also necessary.

52. In order to respond to the increasing workload of the legal staff, an additional Professional post is proposed:

Legal Officer P-4

53. The functions of this post would encompass two areas:

(a) To review and formulate procedures, draft contracts, assess the legal implications of host country arrangements and deal with matters concerning staff, contracting external staff, etc.;

(b) To support the Registrar in keeping abreast of ongoing activities - administrative, substantive, procedural. Also to provide research, review and prepare reports on sensitive and confidential matters, assist in his interaction with the judges, agents and counsel in cases, and to provide for the requirements of the President and the judges.

(c) Administration

54. The Registry services the Tribunal, which is an autonomous international judicial body without a parent organization. As such it does not receive any external administrative support in performing the diverse array of administrative functions, many of which entail financial and fiscal accountability.

55. The new posts proposed at the Professional level are:

Internal Audit Officer P-3

56. The requirement for auditing and setting up controls, checks and balances and complying with standard practices with respect to contributions, investment, budget performance review, accounting, procurement and contracting of services must be underscored and provision made for a suitable post. The requirements of the Financial Regulations and recent experience have demonstrated the need to maintain supervision of internal accounting controls. In addition, this post will serve to ensure the optimal use of resources through the ongoing evaluation of activities. The Internal Audit Officer will work under the direct supervision of the Registrar - in accordance with the common practice in many international organizations.

Systems Administrator/Database Manager P-3

57. The incumbent will have responsibility for computer networking, archiving, audiovisual displays, recording, transcript preparation, electronic communications and information systems (including teleconferencing, remote case-filing and other forms of automation), managing and maintaining databases and developing and maintaining electronic public access (Web site).

58. The staffing table for the Professional posts is contained in annex II to the present document.

(d) General Service posts

59. The new posts proposed at the General Service level are:

Administrative Assistant (Principal level) G-7

60. The post of Administrative Assistant provided in the budget for 1996-1997 and retained in the budget for 1998 has had to be utilized for the urgent function of Contributions Assistant. This is a function arising from the decision that the Tribunal should be responsible for the collection of assessed contributions from States Parties. The function should normally be undertaken by an official at the Professional level assisted by at least two persons at the General Service level but is currently being performed at the principal level by the Administrative Assistant.

61. For these reasons there is need for a new post of Administrative Assistant (General) to perform the functions originally envisaged in the budget for 1998.

62. This post will have the following additional functions:

(a) To deal with the substantial workload involved in fulfilling governmental requirements such as processing of internal travel, visas, etc. for judges, staff, counsel, witnesses, and for reservations, comparative cost evaluation and contracting airline and surface travel, freight, etc.;

(b) To arrange short-term accommodation for judges to assist both short-term and continued staff with matters relating to the local situation at the seat and with linguistic needs and to assist parties, experts and witnesses in this regard.

Legal Assistant (Secretary to support the legal officers) G-4

63. Responsibility would be to support the legal officers.

Linguistic/Conference Secretaries (two posts) G-4/G-5

64. Responsibility would be to provide assistance in preparation of documents, in English and French, for meetings of the judges and to assist with the typing of notes, opinions and draft judgements.

Administrative Assistant (Pension/Tax/Social security) G-4/G-5

65. This post would have two main functions:

(a) To fulfil requirements of the host country agreement in processing tax reimbursement claims; processing income tax filings; reporting on staff and other information and dealing with the federal ministries of foreign affairs and justice and with the Hamburg Senate and the Justice Department in implementing and coordinating the host country arrangements;

(b) To prepare, process and maintain pension records and maintain monthly reports and transmit the same together with payments to the United Nations Joint Staff Pension Fund and the German Federal Ministry of Labour and Social Affairs.

Distributions Clerk G-3

66. The responsibilities will be to distribute documents and other material within the Tribunal and between the Tribunal and various contacts in the host country and to transmit documents to parties in cases. The official will also assist with work relating to building management. Currently there is a post of Receptionist/Messenger, but experience has shown that these two functions cannot adequately be performed by one person.

67. The staffing table for the General Service posts is contained in annex III to the present document. A table comparing the post requirements for the previous periods to the post requested in 1999 is contained in annex IV.

3. Common staff costs

68. Common staff costs are made up of various entitlements of the staff, including pension contributions,[3] social security contributions,[4] [5] and various allowances. The applicable standard percentage[6] of the total remuneration for the staff has been applied. Using this percentage the common staff costs for the established posts proposed for the Registry in 1999 will be $784,700.

4. General temporary assistance

69. Since the Tribunal is not expected to be in continuous session, it does not have available the full complement of permanent staff to support the work on cases. Thus it is necessary to resort to temporary assistance to provide some of the services needed. Upon receipt, memorials, counter-memorials, responses and replies must be processed and duplicated for transmission to judges and the parties in the case. In addition, they need to be translated, reformatted if necessary and prepared for the archives, as required by the Statute and the Rules of the Tribunal. This involves a workload of immense proportions, with strict timetables for completion, all of which cannot be met without substantial temporary assistance. The appropriations proposed for this purpose are $110,000 for work before and after meetings to deal with cases, and $37,650 for work during meetings of the Tribunal in connection with proceedings on cases.

5. Overtime

70. The nature of the work of the Tribunal, and in particular the need to work in a limited number of sessions, make it unavoidable that staff will be required to work beyond the official working hours during meetings. Since the pool of regular staff is minimal to meet these exigencies, it is not always possible to grant compensatory time off to staff in lieu of overtime. Accordingly, adequate provision needs to be made for overtime payments. The provision proposed is $24,000 for non-judicial meetings and $28,000 for meetings to deal with cases.

C. Representation allowance

71. Representation allowance is payable to the President, the Registrar and the Deputy Registrar in accordance with the practice of the United Nations. The provision proposed is $7,600.

D. Official travel

72. The provision is to cover the costs of travel of the President and, as necessary, judges and the Registrar and staff on official business of the Tribunal. The appropriation proposed for official travel is $82,000.

E. Communications

73. The expenses for the communication of the Tribunal include costs of postage and courier services; local and long-distance telephone; facsimile services; telex and other electronic means of communication, such as E-mail, Internet and access to databases.

74. They also include the costs of services to enable the judges to communicate both with the Registry and among themselves at their individual locations by means of telephone, facsimile and appropriate networking facilities. Experience has shown that costs increase during periods when the deliberations on cases are prepared. The amount proposed for the general communications requirement of the Tribunal for 1999 is $101,000; and in connection with cases, $65,000.

F. Supplies and materials

75. This provision is to cover the costs of office and other supplies, materials and services. The amount proposed for non-case related purposes ($43,000) represents a reduction compared with the previous period. A provision of $34,000 is proposed for dealing with cases.

G. Printing (documents and publications)

76. This is to cover the costs of producing and publishing documents and other material, such as judgements and pleadings of cases and for disseminating widely other documentation such as the Yearbook, the annual report, the Rules of the Tribunal and regulations on various subjects. The general provision proposed is $40,000; which is maintained at the level for the previous period. An additional amount of $6,000 is proposed for materials to be used in connection with proceedings on cases.

H. Conference services

77. The Tribunal does not employ conference personnel on a permanent basis. In line with the practice of other international judicial institutions, these services are contracted as necessary.

78. The provision proposed is to cover the costs of emoluments and travel of interpreters, revisers, translators, verbatim record keepers, audio equipment operators and additional linguistic typists, contracted specially for meetings, including deliberations of judges and hearings. The provision would also cover the costs of other conference-related staff such as courtroom clerk, messengers and meeting services.

79. The provision in the estimates has been computed in the light of experience, given the absence of a pool of such staff in Hamburg. The provision proposed for non-judicial activities is $73,750, and $332,324 for dealing with cases.

I. Maintenance of premises

80. The provision is to cover the costs of maintenance of premises. These include the routine repairs or replacement of minor items, the maintenance of security equipment and costs of electricity, heating, water, sewerage, cleaning and similar services. It is proposed to maintain the appropriation at the previous level in the light of experience. The amount proposed is $140,000.

81. It is anticipated that the Tribunal will move into its permanent premises at the beginning of 2000. The costs involved will therefore be met in the budget for that year. However, if it becomes necessary to move in 1999, substantial expenses will be required, and a request for supplementary appropriations may have to be submitted to the Meeting of States Parties.

J. Rental and maintenance of equipment

82. It has proved more economical to rent items of equipment for use by the Tribunal, instead of purchasing. Besides alleviating the demands on capital outlays, the costs of maintenance resulting from outright purchase are also avoided.

83. This arrangement has been adopted in respect of the official vehicle of the Tribunal, audiovisual facilities and other equipment such as photocopying machines and computers for short-term use by judges.

84. Provision is also needed to cover the maintenance costs of equipment. An important component of these expenses is the cost of insurance cover. It is proposed to maintain the appropriation at the existing level based on experience to date. The amount proposed is $141,400.

K. Hospitality

85. The provision is to cover hospitality requirements of the Tribunal. It reflects a slight increase over the previous period on account of the anticipated requirements of extending hospitality to representatives of parties and agents and high-ranking visitors. The appropriation requested is $6,500.

L. External audit

86. This is to defray the costs of external audit of the accounts of the Tribunal. In accordance with the practice of organizations and agencies of the United Nations system, arrangements have been made for the accounts of the Tribunal to be audited by a suitable external body or institution. For this purpose the Tribunal has appointed an external auditor. A total of $10,000 is proposed to cover the costs of external audit.

M. Library. Procurement of books and publications

87. The ready availability of suitable library facilities at its headquarters is an indispensable condition for the effective operation of the Tribunal and those who appear before it. The judges and the staff of the Registry, as well as States and entities which may appear as parties before the Tribunal, require at their disposal a comprehensive collection of literature on public international law, the law of the sea, maritime law, commercial law, mining law and environmental law. Given the scope of jurisdiction of the Tribunal, the library should also include basic material on non-legal matters. Although the law libraries in the area of the seat of the Tribunal can be of assistance and will be used as much as possible, they cannot adequately meet the needs of the Tribunal. They do not contain literature on all the matters relevant to the work of the Tribunal and they are primarily intended for the use of the faculty and students of the University of Hamburg. Moreover, there are logistic constraints on the extent to which judges and other personnel of the Tribunal can have access to the libraries for their work.

88. Both the Preparatory Commission and the General Assembly of the United Nations emphasized the need for the establishment of the Library of the Tribunal and making it operational as soon as possible. This was also endorsed by the Meeting of States Parties. Specific budgetary provisions are included for this purpose in the budget for 1998.

89. It is proposed that the budget should again include both an annual provision for the normal operational costs of the library as well as provision to meet the start-up costs of the library, i.e., resources for the acquisition of basic reference material, including major treatises, official documents and important journals and periodicals, with back copies, as appropriate. The funds appropriated for 1998 seem to be adequate and also necessary. It is therefore proposed to allocate once again $60,000 for the procurement of books and $60,000 for start-up costs of the library. The Seventh Meeting of States Parties approved in principle the ongoing need during the first five years to appropriate an equivalent sum of $60,000 per year for each of these purposes.

N. Miscellaneous services

90. The provision is to cover the costs of miscellaneous services needed by the Tribunal where such costs may not appropriately be charged to any of the specific headings of the budget. It includes such items of expense as bank charges, adjustment for currency fluctuation and overnight or expeditious messenger and delivery services. The estimates proposed for 1999 are $36,000 for non-judicial activities and $18,830 in connection with cases.

Part Three

Non-recurrent expenditure

A. Purchase of equipment

91. The estimates of non-recurrent expenditures are based on the requirements of the Tribunal in terms of "specialty" office equipment (data-processing, storage and retrieval systems, etc.). They take into account the experience of the Tribunal during the start-up period and the special circumstances prevailing in Germany.

92. Account is also taken of the fact that judges need to be able to prepare documents and to communicate directly and conveniently with the Registry as well as with the other judges at their different locations. To enable them to do so, it is proposed that provision be made for the appropriate equipment, such as computers, peripherals, fax machines and database connections.

93. The provision includes the costs for the acquisition of network equipment and a financial database (hardware and software) as well as computer equipment for judges and senior officials of the Registry, in view of the limited secretarial services available to them. The provision proposed reflects a slight increase over the appropriation for 1998. The proposed appropriation is $145,000.

B. Special equipment for the Library

94. In addition to the provision for the operational costs of the library and the start-up costs, provision is needed to meet the costs of specialized equipment and installations, such as computers, including those with CD-ROMs, scanners, microfiche readers, etc. These are normally purchased on a one-time basis. The amount proposed for this purpose is $25,000.

Part Four

Working Capital Fund

95. A working capital fund is a common feature of the budgetary systems of many international organizations in order to ensure continuity of operation in the event of a temporary shortfall in funds. Experience has shown that delays in the payment by States Parties of their contributions can result in serious shortfalls, especially at the beginning and end of the budgetary period. Annex I shows the contributions outstanding at the end of 1997. The first case dealt with by the Tribunal very clearly proved the necessity of a Working Capital Fund since the Tribunal was obliged to use funds received in payment of 1998 contributions in order to fulfil its obligations under the Statute. A working capital fund would also serve another purpose, which pertains particularly to the Tribunal. Such a fund would provide it with the necessary financial means to meet without delay to consider cases, in particular those requiring expeditious proceedings.

96. Generally the level of the working capital fund is set as a percentage of the overall budget. For the purposes of the Tribunal the appropriate percentage would appear to be approximately 8 per cent. On this basis the working capital fund of the Tribunal would be approximately $640,000. However, the Tribunal does not consider it necessary to establish the fund in a single step. For this reason it is proposed that the initial advance to the fund for 1999 should be $100,000. This is on the basis that, as recommended by the Tribunal, appropriations in the 1999 budget for dealing with cases which are not utilized for that purpose should be credited to the Working Capital Fund.

97. A provision of $100,000 is proposed for the start of the Working Capital Fund.

98. A table of the administrative expenses of the Tribunal is contained in annex V.

Notes

[1] The remuneration of a Judge of the International Court of Justice.

[2] For the purposes of the estimates, the rates of remuneration and other entitlements of the staff have been calculated on the basis of the applicable rates of the United Nations common system using the Standard Costs Version 7 applicable to The Hague, which has been used previously.

[3] The provision is to cover the Tribunal's share of the contributions to the United Nations Joint Staff Pension Fund in respect of the Registrar and other staff. The Tribunal's contribution represents two thirds of the total contribution payable in respect of each participating staff member.

[4] An interim provision is needed to enable the Tribunal to contribute to the payments to be made to the German social security scheme by the staff members who are nationals or residents of Germany, pending the conclusion of the Headquarters Agreement which will exempt them from mandatory contributions to the German scheme.

[5] Also included are contributions to the German Social Security System for local staff.

[6] The percentage, as determined by the Budget Division of the United Nations, is 33.4 per cent.

Annex I

International Tribunal for the Law of the Sea

Status of contributions - 1996/97

(as at 31 December 1997)

(In United States dollars)

State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
Algeria	17 430	
Angola	1 087	
Antigua and Barbuda	1 087	1 087.00
Argentina	52 291	
Australia	161 232	
Austria	94 590	
Bahamas	2 178	
Bahrain	2 178	
Barbados	1 087	709.00
Belize	1 087	
Benin	161	161.00
Bolivia	1 087	1 087.00
Bosnia and Herzegovina	1 182	1 182.00
Botswana	1 087	
Brazil	176 484	114 758.00
Brunei Darussalam	1 875	
Bulgaria	8 810	
Cameroon	1 087	1 087.00
Cape Verde	1 087	1 087.00
Chile	2 172	2 172.00
China	80 425	80 425.00
Comoros	1 087	1 087.00

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State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
Cook Islands	1 087	1 087.00
Costa Rica	1 087	1 087.00
Côte d'Ivoire	1 087	1 087.00
Croatia	9 802	
Cuba	5 540	0.00
Cyprus	3 266	
Czech Republic	27 613	17 708.00
Democratic Republic of the Congo	1 087	1 087.00
Djibouti	1 087	
Dominica	1 087	1 087.00
Egypt	8 338	6 557.00
Equatorial Guinea	325	325.00
Fiji	1 087	
Finland	67 450	
France	698 920	
Gambia	1 087	1 087.00
Georgia	12 265	12 265.00
Germany	986 333	
Ghana	1 087	
Greece	41 398	
Grenada	1 087	1 087.00
Guatemala	1 304	1 304.00
Guinea	1 087	1 087.00
Guinea-Bissau	1 087	1 087.00
Guyana	1 087	1 087.00
Haiti	1 087	1 087.00
Honduras	1 087	
Iceland	3 266	
India	33 770	

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State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
Indonesia	15 253	
Iraq	15 253	15 253.00
Ireland	22 876	
Italy	569 946	
Jamaica	1 087	
Japan	1 696 773	
Jordan	1 087	823.00
Kenya	1 087	1 087.00
Kuwait	20 697	
Lebanon	1 087	
Malaysia	13 130	
Mali	1 087	1 087.00
Malta	1 087	
Marshall Islands	1 087	823.00
Mauritania	1 087	1 087.00
Mauritius	1 087	
Mexico	85 967	
Micronesia (Federated States of)	1 087	
Monaco	1 087	
Mongolia	1 087	1 087.00
Mozambique	591	591.00
Myanmar	1 087	
Namibia	1 087	642.00
Nauru	1 087	1 087.00
Netherlands	173 119	
New Zealand	26 147	
Nigeria	12 170	5 171.00
Norway	61 008	
Oman	4 358	

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State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
Pakistan	39 116	39 116.00
Palau	936	936.00
Panama	1 087	1 087.00
Papua New Guinea	709	709.00
Paraguay	1 087	
Philippines	6 537	
Portugal	3 013	3 013.00
Republic of Korea	89 235	
Romania	10 666	9 028.00
Russian Federation	253 055	253 055.00
Saint Kitts and Nevis	1 087	
Saint Lucia	1 087	1 087.00
Saint Vincent and the Grenadines	1 087	1 087.00
Samoa	1 087	
Sao Tome and Principe	1 087	1 087.00
Saudi Arabia	77 726	77 726.00
Senegal	1 087	
Seychelles	1 087	1 087.00
Sierra Leone	1 087	1 087.00
Singapore	15 253	12 007.00
Slovakia	8 810	
Slovenia	7 624	5 983.00
Solomon Islands	379	379.00
Somalia	1 087	1 087.00
South Africa	1 721	1 721.00
Spain	169 256	169 256.00
Sri Lanka	1 087	823.00
Sudan	1 087	1 087.00
Sweden	133 903	

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State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
The former Yugoslav Republic of Macedonia	1 087	17.50
Togo	1 087	1 087.00
Tonga	1 087	1 087.00
Trinidad and Tobago	3 361	
Tunisia	3 266	
Uganda	1 087	1 087.00
United Kingdom	173 340	0.00
United Republic of Tanzania	1 087	1 087.00
Uruguay	4 358	4 358.00
Viet Nam	1 087	823.00
Yemen	1 087	823.00
Yugoslavia	10 989	10 989.00
Zambia	1 087	
Zimbabwe	1 087	
Total due on assessed contributions		888 590.00

[a] Revision based on a change in the number of States Parties: 109 at the end of 1996, and 123 at the end of 1997.

Annex II

Designations and staffing structure of the Professional staff covering the period 1 January-31 December 1999

Level	Function	Number of posts	1999 US$[a]
ASG	Registrar	1	152 900
D-2	Deputy Registrar	1	143 000
P-5	Head of Administration and Management	1	108 900
P-4	Librarian/Head of Publications and Archives	1	105 000
P-4	Head of Budget and Finance	1	105 000
P-4	Head of Conference and Linguistic Services	1	105 000
P-4	Translator/Reviser	1	105 000
P-4	Legal Officer	1	105 000
P-4	Legal Officer	1	56 100
P-3	Legal Officer/Information	1	75 900
P-3	Internal Audit Officer	1	40 600
P-3	Systems Administrator/Database Manager	1	40 600
P-2	Contributions Officer/Budget	1	73 600
P-2	Associate Legal Officer/Research	1	73 600
	Total	14	1 290 200

[a] Costing based on United Nations Standard Costs (Version 7).

Annex III

Designations and staffing structure of the General Service staff covering the period 1 January-31 December 1999

Level	Function	1999 US$[a]
Principal level (5)		
	Administrative Assistant (Contributions and Accounts)	65 100
	Computer Systems Assistant	65 100
	Personal Assistant to the President	65 100
	Personal Assistant to the Registrar	65 100
	Administrative Assistant (General Administration)	44 500
Other levels (17)		
	Personnel Assistant	51 400
	Finance Assistant (Accounts Payable/Payroll)	51 400
	Senior Security Officer	51 400
	Information/Documentation Assistant	51 400
	Conference Service Assistant	51 400
	Secretary to Deputy Registrar	51 400
	Judiciary Support (Conference Typing Assistant)	51 400
	Judiciary Support (Conference Typing Assistant)	51 400
	Legal Assistant (Secretary to Legal Office)	27 500
	Pension/Tax Assistant	27 500
	Linguistic/Conference Secretary	27 500
	Linguistic/Conference Secretary	27 500
	Security Officer/Driver	51 400
	Library/Documents Assistant	51 400
	Caretaker/Building Superintendent	51 400
	Receptionist	51 400
	Distributions Clerk	27 500
	Total	1 059 200

[a] Costing based on United Nations Standard Costs (Version 7).

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Annex IV

Comparison of post requirements of the registry

POSTS APPROVED FOR 1996/97

ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal level)	General Service (Other level)	Total General Service	Grand total
1	1		1	1	1	2	7	3	11	14	21

POSTS APPROVED FOR 1998

ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal level)	General Service (Other level)	Total General Service	Grand total
1	1		1	5	1	2	11	4	12	16	27

POSTS REQUESTED IN 1999

ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal level)	General Service (Other level)	Total General Service	Grand total
1	1		1	6	3	2	14	5	17	22	36

Annex V

Administrative expenses of the Tribunal covering the period 1 January-31 December 1999

(In United States dollars)

Objects of expenditure	1996-1997 budget	Budget for 1998	Standing costs for 1999	Additional costs for 1999 cases	Total 1999
RECURRENT EXPENDITURE					
Remuneration of judges	2 452 600				
Annual allowances		1 971 330	1 175 090		1 175 090
Special allowances			363 500	1 199 750	1 563 250
Travel of judges to sessions		250 000	120 000	120 000	240 000
Judges pension scheme			29 167		29 167
Judges ad hoc and experts (including travel)				94 990	94 990
Established posts	2 050 000	1 794 688	2 349 400		2 349 400
Common staff costs	63 000	624 551	784 700		784 700
General temporary assistance	107 000	87 000	110 000	37 650	147 650
Overtime	24 500	20 000	24 000	28 000	52 000
Representation allowance	3 100	7 000	7 600		7 600
Official travel	150 000	82 000	82 000		82 000
Communications	53 900	137 000	101 000	65 000	166 000
Supplies and materials	46 600	50 600	43 000	34 000	77 000
External printing and binding	37 800	40 000	40 000	6 000	46 000
Temporary assistance for meetings	116 900	149 600	73 750	332 324	406 074

Objects of expenditure	1996-1997 budget	Budget for 1998	Standing costs for 1999	Additional costs for 1999 cases	Total 1999
Maintenance of premises	143 400	140 000	140 000		140 000
Rental and maintenance of equipment	141 400	141 400	141 400		141 400
Hospitality	4 200	3 000	6 500		6 500
Special services (external audit)		3 000	10 000		10 000
Library - procurement of books and publications		60 000	60 000		60 000
Start-up costs of library		60 000	60 000		60 000
Miscellaneous services (including bank charges)	2 900	6 000	36 000	18 830	54 830
NON-RECURRENT EXPENDITURE					
Furniture and equipment					
1. Purchase of equipment	173 000	90 000	145 000		145 000
2. Purchase of special equipment		50 000	25 000		25 000
WORKING CAPITAL FUND			100 000		100 000
CONTINGENCY	409 100				
START-UP	191 500				
TOTAL	6 170 900	5 767 169	6 027 107	1 936 544	7 963 651

Total budget: $7,963,651.